

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Robbie Collins,)	Case No. 2:22-cv-1391-RMG
)	
Plaintiff,)	
)	ORDER
v.)	
)	
Samantha Bernedette, et al.,)	
)	
Defendants.)	
)	

This matter is before the Court on the October 3, 2022 Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 37) recommending that Plaintiff’s claims against Defendant Grant Miller be dismissed without prejudice for nonprosecution. Plaintiff has not filed objections to the R&R and the time for objections has passed.

After a thorough review of the R&R and the record, the Court finds the Magistrate Judge correctly determined that Plaintiff’s claims against Defendant Miller must be dismissed without prejudice for failure to serve the complaint within the 90-day period under Fed. R. Civ. P. 4(m). After service was initially returned unexecuted as to Defendant Miller, Plaintiff was given a chance to provide additional details for service, which he did not adequately do. *See* (Dkt. No. 15); (Dkt. No. 18) (stating only that Defendant Miller was a nurse working at McCormick Correctional Institution); (Dkt. No. 29) (summons returned unexecuted a second time as to Miller stating per SCDC Legal “unable to locate this named person).

For the reasons stated above, the Court adopts the R&R as the order of the Court and dismisses the claims against Defendant Miller without prejudice pursuant to Rule 4(m).

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

November 16, 2022
Charleston, South Carolina